

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 11:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Elaine J. Duffy, Supervising Deputy Clerk.

F038227 Kings Co. Human Services Agency v. The Superior Court of Kings County; Tule River Indian Tribe

Cause called and argued by Jeanette Cauble, Esq., Deputy County Counsel, counsel for petitioner Kings Co. Human Services Agency and by Kurt Johnston, Esq., counsel for petitioners Junior F. and Andre F., minors; by Michael Dias, Esq., counsel for real party Jesse D. and Mary D.; by Merle Bechthold, Esq., counsel for real party Michael M. and by Maurice Johnson, Esq., counsel for real party Tule River Indian Tribe.

Cause ordered submitted.

The court adjourns.

F035477 In re the Marriage of MICHAEL E. and GINA M. FISHER

The judgment is affirmed. Gomes, Pro Tem J.

We concur: Vartabedian, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034334 Lund v. San Joaquin Valley Railroad

The judgment is affirmed. Respondent is awarded his costs on appeal. Vartabedian, J.

We concur: Ardaiz, P.J.; Gomes, Pro Tem J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F031065 People v. Nieto

The judgment is affirmed. Cornell, J.

We concur: Dibiaso, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F035552 In re JOSEPH STEVENSON NIETO On Habeas Corpus

The petition for writ of habeas corpus is denied as to issue Nos. 2 and 3.

The Presiding Judge of the Superior Court, County of Fresno is directed to appoint a superior court judge to be a special referee in this writ proceeding. The referee shall set the matter for hearing and make written findings upon the following:

1. Whether juror misconduct occurred as to Juror No. 86 and Juror No. 83 only as discussed in issue No. 1 above;
2. Whether the evidence of juror misconduct is admissible; if there is admissible evidence, whether the facts establish misconduct; and if misconduct is found, whether that misconduct was prejudicial;
3. Whatever other findings the referee deems appropriate.

The referee shall file in this court on or before October 1, 2001, all papers filed by the parties, a complete transcript of the hearing and its written findings. Cornell, J. We concur: Dibiaso, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038194 Susan F. v. Superior Court of Kings County; Kings County Dept. of Human Services

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F033583 Puckett et al. v. Roberts, Jr., M.D.

The judgment is affirmed. Costs are awarded to Roberts. Wiseman, J.

We concur: Dibiaso, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

- F034072** **Dabbas et al. v. Glendale Federal Savings & Association et al.**
F034586 **Dabbas et al. v. Glendale Federal Savings & Association et al.**
 The judgment is affirmed. Wiseman, J.
 We concur: Dibiaso, Acting P.J.; Buckley, J.
 [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F033613** **Owen v. Pacific Modular, Inc., et al.**
 The judgment is affirmed. Wiseman, J.
 We concur: Dibiaso, Acting P.J.; Buckley, J.
 [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F035181** **Kern County Environmental Health Services v. Arciero Ranches et al.**
 Oral argument having been waived in the above-entitled case in
 accordance with the provisions of a notice mailed to counsel, the
 calendar date heretofore set is vacated and the case is submitted for
 decision.
- F037194** **In re Arik C., a Minor**
 Oral argument having been waived in the above-entitled case in
 accordance with the provisions of a notice mailed to counsel, the
 calendar date heretofore set is vacated and the case is submitted for
 decision.
- F033234** **Richard Boyd Industries, Inc. v. The State Board of Equalization**
 The Appellant and the Amici Curiae on behalf of Appellant have
 filed petitions for rehearing in the above-entitled matter. Each petition
 for rehearing is denied.
- F038065** **Reo M. v. The Superior Court of Kern County; Kern Co. Dept. of Human
Services**
 Parties having waived argument in the above-entitled case, the oral
 argument date of June 28, 2001 is vacated.
 The matter is deemed submitted on the date of this order.
- F037054** **In re Josie C., a Minor**
 Appellant's petition for rehearing filed herein is denied.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F036974 In re Redar P., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F036974 In re Redar P., a Minor

The case is remanded to the juvenile court to correct Redar's maximum term of commitment for robbery from 16 months to 12 months and his maximum term of commitment to CYA from 132 months to 128 months. The juvenile court shall forward the corrected disposition to CYA. In all other respects, the order of the juvenile court is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038065 Reo M. v. The Superior Court of Kern County; Kern Co. Dept. of Human Services

The petition for extraordinary writ is denied.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036104 People v. Butler

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F036104 People v. Butler

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]